

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SL/RT/OML.31	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB99/00473	International filing date (day/month/year) 15/02/1999	Priority date (day/month/year) 14/02/1998
International Patent Classification (IPC) or national classification and IPC A61M5/20		
Applicant OWEN MUMFORD LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 27/08/1999	Date of completion of this report 23.05.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Martin del Rio, A Telephone No. +49 89 2399 2758 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB99/00473

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

Description, pages:

1-9 as originally filed

Claims, No.:

1-8 as originally filed

Drawings, sheets:

1/3-3/3 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB99/00473

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Yes:	Claims	1-8
	No:	Claims	
Inventive step (IS)	Yes:	Claims	2-8
	No:	Claims	1
Industrial applicability (IA)	Yes:	Claims	1-8
	No:	Claims	

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

For the present examination the following documents have been taken into account:

WO-A-88/08 725 in the following D1

1. **Lack of inventive step of independent claim 1:**

- 1.1 Document **D1**, which is considered as the most relevant state of the art, discloses a firing device from which the one of claim 1 differs in that:

The firing device of claim 1 shows a trigger, which is a sliding trigger. On the contrary in **D1** the trigger of the firing device cannot slide.

Therefore the subject-matter of claim 1 is new.

This differentiating feature of the subject-matter of claim 1 is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem of trigger a firing device for an injector.

- 1.2 Therefore the present application does not satisfy the criterion set forth in Article 33(3) PCT because the subject-matter of claim 1 does not involve an inventive step (Rule 65(1) (2) PCT).

2. **Inventive step of dependent claims 2 to 8:**

The subject-matter of claims 2 to 8 does not seem to be directly derivable from the cited prior art and therefore these claims meet the requirements of Article 33(3) PCT.

Re Item VII

Certain defects in the international application

1. **Acknowledge prior art:**

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document **D1** is not mentioned in the description, nor is this document identified therein.

2. 2-part form should be used:

Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in a preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in a characterising part (Rule 6.3(b)(ii) PCT).

3. Use reference signs in claims:

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Re Item VIII

Certain observations on the international application

1. Lack of clarity of claims 1 to 4:

The following lacks of clarity have been noticed:

In claim 1, line 16, the word **locator** should be **spring means (17)**.

In claim 1, line 18, the word **trigger** should be **injector trigger (4)**.

In claim 2, line 23, the word **barrel** should be **barrel like body**.

In claim 3, line 25 and claim 4, line 4 and 9 the word **tubular member** should be **spring-loaded tubular member**.

In claim 3, line 26 the word **trigger** should be **injector trigger (4)**.

In claim 4, lines 5 and 9 and claim 6, line 18, the word **the housing** should be **rearward portion (20) of the housing**.

PCT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
 United States Patent and Trademark
 Office
 Box PCT
 Washington, D.C. 20231
 ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 21 September 1999 (21.09.99)	Applicant's or agent's file reference SL/RT/OML.31
International application No. PCT/GB99/00473	Priority date (day/month/year) 14 February 1998 (14.02.98)
International filing date (day/month/year) 15 February 1999 (15.02.99)	
Applicant MARSHALL, Jeremy et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

27 August 1999 (27.08.99)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer C. Carrié Telephone No.: (41-22) 338.83.38
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TENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference SL/RT/OML. 31	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/GB 99/ 00473	International filing date (day/month/year) 15/02/1999	(Earliest) Priority Date (day/month/year) 14/02/1998
Applicant OWEN MUMFORD LIMITED et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 2 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

5

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

National Application No

T/GB 99/00473

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 A61M5/20

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 88 08725 A (WILHELM HASELMEIER GMBH) 17 November 1988 see page 19, line 29 - page 21, line 14 see figures 2-5 ---	1-4, 7, 8
X	US 5 637 094 A (STEWART ET AL.) 10 June 1997 see column 6, line 29 - column 7, line 43 see figures 2-7 ---	1
A	WO 94 21316 A (OWEN MUMFORD LIMITED) 29 September 1994 see page 8, line 24 - page 11, line 2 see figures 7-9 -----	1, 2

☐ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

27 May 1999

Date of mailing of the international search report

07/06/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Schönleben, J

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 99/00473

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 8808725	A	17-11-1988	DE 3715258 A	24-11-1988
			AT 79283 T	15-08-1992
			DE 3873764 A	17-09-1992
			DK 554689 A	07-11-1989
			EP 0362222 A	11-04-1990
			JP 6002163 B	12-01-1994
			JP 2502971 T	20-09-1990
			US 5092842 A	03-03-1992

US 5637094	A	10-06-1997	NONE	

WO 9421316	A	29-09-1994	EP 0693946 A	31-01-1996
			US 5599309 A	04-02-1997

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REC'D 25 MAY 2000

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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International application No. PCT/GB99/00473	International filing date (day/month/year) 15/02/1999	Priority date (day/month/year) 14/02/1998
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- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 27/08/1999	Date of completion of this report 23.05.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Martin del Rio, A Telephone No. +49 89 2399 2758



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/00473

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4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/00473

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-8
	No:	Claims	
Inventive step (IS)	Yes:	Claims	2-8
	No:	Claims	1
Industrial applicability (IA)	Yes:	Claims	1-8
	No:	Claims	

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

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see separate sheet

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

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WO-A-88/08 725 in the following **D1**

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- 1.1 Document **D1**, which is considered as the most relevant state of the art, discloses a firing device from which the one of claim 1 differs in that:

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Therefore the subject-matter of claim 1 is new.

This differentiating feature of the subject-matter of claim 1 is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem of trigger a firing device for an injector.

- 1.2 Therefore the present application does not satisfy the criterion set forth in Article 33(3) PCT because the subject-matter of claim 1 does not involve an inventive step (Rule 65(1) (2) PCT).

2. Inventive step of dependent claims 2 to 8:

The subject-matter of claims 2 to 8 does not seem to be directly derivable from the cited prior art and therefore these claims meet the requirements of Article 33(3) PCT.

Re Item VII

Certain defects in the international application

1. Acknowledge prior art:

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document **D1** is not mentioned in the description, nor is this document identified therein.

2. 2-part form should be used:

Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document **D1**) being placed in a preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in a characterising part (Rule 6.3(b)(ii) PCT).

3. Use reference signs in claims:

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Re Item VIII

Certain observations on the international application

1. Lack of clarity of claims 1 to 4:

The following lacks of clarity have been noticed:

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In claim 1, line 18, the word **trigger** should be **injector trigger (4)**.

In claim 2, line 23, the word **barrel** should be **barrel like body**.

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